

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PALOS VERDES PENINSULA UNIFIED  
SCHOOL DISTRICT.

OAH CASE NO. 2015071188

AMENDED ORDER GRANTING  
REQUEST FOR CONTINUANCE AND  
SETTING MEDIATION, PREHEARING  
CONFERENCE AND DUE PROCESS  
HEARING<sup>1</sup>

On September 8, 2015, the parties jointly filed a second request to continue the dates in this matter. The complaint was filed on July 23, 2015 and the original hearing date was September 15, 2015. OAH continued the hearing to November 3-5, 2015 at the parties' request. The parties did not offer an explanation as to why they were making a second request for continuance, or why they were asking for non-consecutive days of hearing.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

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<sup>1</sup>The hearing date of November 11, 2015, has been removed from the calendar due to the closure of our office in observance of Veterans Day.

Granted. All dates are vacated. The parties request for hearing dates on November 9, 10, and 18, 2015 is not consistent with OAH's policy of conducting hearings on consecutive dates, Monday through Thursday, and the parties offered no explanation for their request for non-consecutive dates. Therefore, the request is granted but will be set for consecutive dates. The parties may discuss unique scheduling issues at the prehearing conference.

This matter will be set as follows:

Mediation:	October 1, 2015 at 9:30 AM
Prehearing Conference:	November 2, 2015 at 3:00 p.m. PM
Due Process Hearing:	November 9, 2015 at 1:30 p.m., November 10 and 12, 2015 at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The parties may discuss scheduling issues at the prehearing conference.

IT IS SO ORDERED.

DATE: September 08, 2015

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ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings